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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/656,333      | 09/06/2000  | Siegfried Kurtzer    | A-2465              | 9099             |

7590 04/25/2003

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Hollywood, FL 33022-2480

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| EXAMINER |
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YAN, REN LUO

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2854

DATE MAILED: 04/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/656,333

Applicant(s)

KURTZER, SIEGFRIED

Examiner

Ren L Yan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 7-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 7 and 9 are vague and indefinite because the recitations of "said impression cylinder" and "said sheet grippers rotating with said impression cylinder" in claim 7 and "the movement of said sheet gripper of said impression cylinder is a closing movement for passing through a bottleneck" in claim 9 do not find proper antecedent basis. The independent claim 1 does not define an impression cylinder and its sheet grippers. Therefore, it is unclear what structure claims 7 and 9 are referring to with respect to their parent claim 1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaede(5,839,366). The patent to Schaede teaches the detailed structure of a sheet fed printing machine as claimed including an inherent drive unit for the printing machine, a first sheet transport cylinder 3 having a first sheet gripper 10 or 12 mounted thereon, and a second sheet transport cylinder 4 having a second sheet gripper 16 or 18 mounted thereon. The first and second sheet grippers carry out cyclical movements in different phases such that when the first sheet gripper is moved into a raised position on the first sheet transport cylinder 3 to take over a

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sheet, the second sheet gripper is moved from the raised position to a lowered position to release a sheet. The spring element for each of the first and second sheet grippers are correspondingly stressed or relieved of stress based upon the raised or lowered positions of the sheet grippers.

See Figs. 1-8 and column 3, line 41 through column 5, line 7 in Schaede for details. With respect to claim 8, Fig. 5 of Schaede shows that the two transport cylinders 39 and 40 with their respective grippers meet the length of path as recited. With respect to claim 10, the broadly recited pregripper reads on any of the grippers shown in Schaede.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaede in view of Munker(5,271,323). In the patent for Schaede, the impression cylinder 2 uses suction strips 5 and 6 for holding the sheet being handled. The patent to Munker teaches in a sheet fed printing machine the conventionality of providing the impression cylinder 6 with sheet grippers for handling the sheets. See Figs. 1-5 in Munker for example. In view of the teaching of Munker, it would have been obvious to those having ordinary skill in the art to provide the impression cylinder in the sheet fed printing machine of Schaede with sheet grippers appropriately disposed as taught by Munker in order to more reliably gripping and releasing the sheet being handled.

Applicant's arguments filed on 2-12-2003 have been fully considered but they are not persuasive. Applicant argues that the applied Schaede patent does not teach the two transport

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cylinders, on a path from the surrender position to the acceptance position, their respective sheet grippers being actuatable for executing one of a movement stressing the spring element to open the gripper and a movement relieving the stress to close the gripper. This is not found persuasive. As a matter of fact, this is exactly what the sheet grippers of Schaede do. The sheet grippers on the transport cylinder of Schaede, on a path from the surrender position to the acceptance position, can only do one of the two things, raise to the open position upon stressing the spring element and lower to the closed position upon relieving the stress to the spring element. This is exactly what the last paragraph of claim 1 requires, i.e. the sheet gripper is moveable either to an open position or a closed position. Fig. 1 of Schaede also clearly shows that the cam discs 20 and 22 on their respective transport cylinders are out of phase indicating the sheet grippers thereon do carry out cyclical movements in different phases. It is noted that the last phrase of claim 1 requiring the first sheet gripper being actuatable for executing both a closing movement by relieving the stress on the spring element or stressing the spring element appears to be in error.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

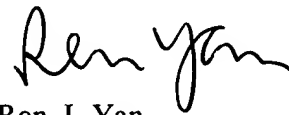
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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren L Yan whose telephone number is 703-308-0978. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 703-305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Ren L Yan  
Primary Examiner  
Art Unit 2854

Ren Yan  
April 15, 2003